

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GYPSIE JONES,

No. 2:04-cv-2002-MCE-KJM

Plaintiff,

v.

MEMORANDUM AND ORDER

RALPH'S GROCERY CO., et al.,

Defendants.

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The present matter came on for hearing on October 31, 2006, with Mark W. Emmett appearing on behalf of Plaintiff and Shalend Singh appearing on behalf of Defendant.

The Court first resolved the Parties' Motions in Limine. See Docket No. 108. The Court then moved to a discussion of the claims presented in the consolidated case of *Jones v. Dollar Tree Stores, Inc., et al.*, Case No. 2:06-cv-1636-WBS-CMK. After considering the nature of all the claims presented in both actions, the Court severed the claims presented in Case No. 2:06-cv-1636-WBS-CMK leaving only two unresolved claims in Case No. 2:04-cv-2002-MCE-KJM, *Jones v. Ralph's Grocery Co., et al.*
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1 Counsel for Defendant presented evidence that the two remaining
2 defects alleged in Case No. 2:04-cv-2002-MCE-KJM had been
3 remedied rendering Plaintiff's request for injunctive relief
4 moot. Plaintiff concurred on this issue and moved to dismiss
5 both those claims which the Court granted. There being no
6 remaining claims, Case No. 2:04-cv-2002-MCE-KJM, *Jones v. Ralph's*
7 *Grocery Co., et al.* is dismissed with prejudice. The Clerk of
8 the Court is directed to close the file.

9 In the matter of Case No. 2:06-cv-1636-WBS-CMK, *Jones v.*
10 *Dollar Tree Stores, Inc., et al.*, the Pretrial Scheduling Order
11 dated July 25, 2006, is hereby vacated. The matter is reopened
12 and reassigned to Judge Morrison C. England, Jr. and the Parties
13 shall comply with the attached Order requiring joint status
14 report. Henceforth, the caption on documents filed in the
15 reassigned case shall be shown as 2:06-cv-1636-MCE-KJM, *Jones v.*
16 *Dollar Tree Stores, Inc., et al.*

17 IT IS SO ORDERED.

18 DATED: November 16, 2006

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22 MORRISON C. ENGLAND, JR.
23 UNITED STATES DISTRICT JUDGE
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